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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P.(MISC.)(COMM.) 794/2025

M/S PAHARPUR COOLING TOWERS LTD.Petitioner

Through: Mr. Divyakant Lahoti, Mr. Kartik Lahoti, Mr. Adith Menon and Ms. Akanksha Soni, Advocates.

versus

M/S INDIAN OIL CORPORATION LTD.Respondent

Through: Mr. Abhishek Birthray, Mr. Kartikeya Tripathi and Ms. Khushi Sharma, Advocates.

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+ O.M.P. (T) (COMM.) 97/2025

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versus

M/S INDIAN OIL CORPORATION LTDRespondent

Through: Mr. Abhishek Birthray, Mr. Kartikeya Tripathi and Ms. Khushi Sharma, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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23.09.2025

O.M.P. (T) (COMM.) 97/2025

1. This petition is filed on behalf of the Petitioner under Section 15(2) of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a substitute Arbitrator on account of demise of one of the members of three-member Arbitral Tribunal.



2. Issue notice.
3. Mr. Abhishek Birthray, learned counsel accepts notice on behalf of the Respondent.
4. Learned counsels for the parties jointly, on instructions, propose the name of Mr. Justice Hemant Gupta, former Judge of the Supreme Court of India as the substitute Arbitrator.
5. Accordingly, with the consent of the parties, Mr. Justice Hemant Gupta, former Judge of the Supreme Court of India (Mobile No. 9780008108), is appointed as the substitute Arbitrator. The proceedings shall resume from the stage at which they were at the time when the Arbitral Tribunal was functional.
6. Learned substitute Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.
7. Petition is disposed of in the aforesaid terms.

O.M.P.(MISC.)(COMM.) 794/2025

8. This petition is filed on behalf of the Petitioner under Section 29A (4) and (5) of 1996 Act seeking extension of mandate of three-member Arbitral Tribunal by a period of one year w.e.f. 01.04.2025.
9. Mandate of learned Arbitral Tribunal, extended by the Court vide order dated 23.08.2024 in O.M.P. (MISC.)(COMM.) 643/2024 has expired on 31.03.2025 and the arbitral proceedings were at the stage of cross examination of Claimant's witnesses when one of the members of the Arbitral Tribunal expired.
10. Issue notice.
11. Mr. Abhishek Birthray, learned counsel accepts notice on behalf of the Respondent and on instructions submits that Respondent has no



objection to the extension of mandate of the learned Arbitrator.

12. Accordingly, with the consent of the parties, mandate of the learned Arbitral Tribunal is extended by a period of 12 months from 23.09.2025 and period between 01.04.2025 to 22.09.2025 is hereby regularized.

13. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 23, 2025

S.Sharma